

REMARKS

The Abstract of the disclosure was objected to because it contained legal phraseology such as "means." Applicant has corrected the objected to phraseology. Furthermore, Applicant has reviewed the specification for errors.

Claims 1-48 stand objected to because of certain informalities. Applicant has corrected the objected to language by making the suggested insertions and substitutions. In addition, Applicant has added new dependant claims 49-60 to more fully define the invention.

Claims 1-14 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of co-pending Application No. 10/347,528. To overcome this provisional rejection, Applicant has enclosed with this response a terminal disclaimer.

Claims 1, 2, 4-6, 8, 12 and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Petersen et al (US 2004/0169077) (hereinafter "Petersen").

Petersen teaches a combination electronic and paper ballot voting system which allows voters to mark paper ballots as if no electronics were a part of the system (see paragraph 0042), by utilizing an electromechanical pen with ink marking capability and an electronic ballot reader 61. The invention disclosed in Peterson comprises an electromechanical pen with ink marking capability, an electronic ballot reader 61 with an X-Y data input device that captures the location of marks made on a paper ballot (see paragraph 0079), whereby the paper ballot is placed directly onto the ballot reader 61 (see figure 9). The menu presented to the voter is the paper ballot itself.

By contrast, Applicant teaches a ballot marking terminal that physically marks a paper ballot according to a voter input utilizing various user interfaces, e.g., a touch screen display (see

Fig. 12- 20). Unlike, the ballot reader 61 described in Peterson, Applicant's ballot marking terminal provides the voter with actual menus on the ballot marking terminal's display screen, i.e., touch screen display, corresponding and based on the inserted hand-markable physical paper ballot (see i.d.). Peterson does not display any menu to a voter utilizing a display screen, but only "displays" the hand-markable physical paper ballot itself, placed onto the ballot reader 61, to a voter.

CONCLUSION

Applicant has amended his claims 1-48 to more clearly define the invention, and believes that these claims are now in condition for allowance.

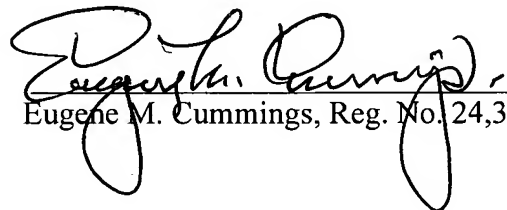
In addition, Applicant has added new dependant claims 49-60 to cover Applicant's novel use of a removable memory device to store ballot configurations, and the use of a touch screen display to receive voter selections. Applicant believes these claims are similarly in condition for allowance.

The Commissioner is authorized to charge any additional fees or deficiencies or credit any overpayments Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd., Deposit Account No. 50-1039 with reference to attorney docket number (1434-0006).

Respectfully submitted,

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